RESISTANCE TO EXECUTION.

Resistance to execution.

74. Where the Court is satisfied that the holder of a decree for the possession of immovable property or that the purchaser of immovable property sold in execution of a decree has been resisted or obstructed in obtaining possession of the property by the judgment-debtor or some person on his behalf and that such resistance or obstruction was without any just cause, the Court may, at the instance of the decree-holder or purchaser, order the judgment-debtor or such other person to be detained in the civil prison for a term which may extend to thirty days and may further direct that the decree-holder or purchaser be put into possession of the property.

PART III.

INCIDENTAL PROCEEDINGS.

COMMISSIONS.

Power of Court to issue commissions.

75. Subject to such conditions and limitations as may be prescribed, the Court may issue a commission :—

(*a*) to examine any person ;

(*b*) to make a local investigation ;

(*c*) to examine or adjust accounts ; or

(*d*) to make a partition.

Power of Government to make rules regarding commissions for local investigations.

76. The Government may make rules as to the persons to whom Commissions to make local investigations may be issued.

Letter of request.

77. In lieu of issuing a commission the Court may issue a letter of request to examine a witness residing at any place not within Mysore.

Commissions issued by foreign Courts.

78. The provisions as to the execution and return of commissions for the examination of witnesses shall apply to commissions issued by Courts situate beyond the limits of Mysore.

PART IV.

SUITS IN PARTICULAR CASES.

SUITS BY GOVERNMENT OR BY OR AGAINST PUBLIC OFFICERS IN THEIR OFFICIAL CAPACITY.

Suits by Government.

79. Suits by the Government shall be instituted by the Government of Mysore.

Notice.

80. No suit shall be instituted against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing has been delivered to him or left at his office stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims ; and the plaint shall contain a statement that such notice has been so delivered or left.

Exemption from arrest and personal appearance.

81. In a suit instituted against a public officer in respect of any act purporting to be done by him in his official capacity—

(*a*) the defendant shall not be liable to arrest nor his property to attachment otherwise than in execution of a decree, and,

(*b*) where the Court is satisfied that the defendant cannot absent himself from his duty without detriment to the public service, it shall exempt him from appearing in person.

Execution of decree.

82. (1) Where the decree is against a public officer in respect of any such act as aforesaid, a time shall be specified in the decree within which it shall be satisfied; and, if the decree is not satisfied within the time so specified, the Court shall report the case for the orders of the Government.

(2) Execution shall not be issued on any such decree unless it remains unsatisfied for the period of three months computed from the date of such report.

INTERPLEADER.

Where interpleader suit may be instituted

88. Where two or more persons claim adversely to one another the same debt, sum of money or other property, movable or immovable, from another person, who claims no interest therein other than for charges or costs and who is ready to pay or deliver it to the rightful claimant, such other person may institute a suit of interpleader against all the claimants for the purpose of obtaining a decision as to the person to whom the payment or delivery shall be made, and of obtaining indemnity for himself:

Provided that where any suit is pending in which the rights of all parties can properly be decided, no such suit of interpleader shall be instituted.

PART V.

SPECIAL PROCEEDINGS.

ARBITRATION.

Arbitration.

89. (1) Save in so far as is otherwise provided by any law for the time being in force, all references to arbitration whether by an order in a suit or otherwise, and all proceedings thereunder, shall be governed by the provisions contained in the Second Schedule.

(2) The provisions of the Second Schedule shall not affect any arbitration pending at the commencement of this Code but shall apply to any arbitration after that date under any agreement or reference made before the commencement of this Code.

SPECIAL CASE.

Power to state case for opinion of Court.

90. Where any persons agree in writing to state a case for the opinion of the Court, then the Court shall try and determine the same in the manner prescribed.

SUITS RELATING TO PUBLIC MATTERS.

Public nuisances.

91. (1) In the case of a public nuisance the Deputy Commissioner or such other officer as the Government may appoint in this behalf or two or more persons having obtained the consent in writing of the Deputy Commissioner or other officer appointed as last aforesaid, may institute a suit, though no special damage has been caused, for a declaration and injunction or for such other relief as may be appropriate to the circumstances of the case.

(2) Nothing in this section shall be deemed to limit or otherwise affect any right of suit which may exist independently of its provisions.

Public charities.

92. (1) In the case of any alleged breach of any express or constructive trust created for public purposes of a charitable or religious nature, or where the direction of the Court is deemed necessary for the administration of any such trust, the Deputy Commissioner or such other officer as the Government may appoint in this behalf or two or more persons having an interest in the trust and having obtained the consent in writing of the Deputy Commissioner or other officer appointed as last aforesaid may institute a suit, whether contentious or not, in the principal Civil Court of original jurisdiction or in any other Court empowered in that behalf by the Government within the local limits of whose jurisdiction the whole or any part of the subject-matter of the trust is situate to obtain a decree—

(*a*) removing any trustee;

(*b*) appointing a new trustee;

(*c*) vesting any property in a trustee;

(*d*) directing accounts and inquiries;

(*e*) declaring what proportion of the trust-property or of the interest therein shall be allocated to any particular object of the trust;

(*f*) authorizing the whole or any part of the trust-property to be let, sold, mortgaged or exchanged;

(*g*) settling a scheme; or

(*h*) granting such further or other relief as the nature of the case may require.

(2) No suit claiming any of the reliefs specified in sub-section (1) shall be instituted in respect of any such trust as is therein referred to except in conformity with the provisions of that sub-section.

PART VI.

SUPPLEMENTAL PROCEEDINGS.

Supplemental proceedings.

94. In order to prevent the ends of justice from being defeated, the Court may, if it is so prescribed,—

(*a*) issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not give security for his appearance, and if he fails to comply with any order for security commit him to the civil prison: provided that the Court shall not order the arrest or detention of a woman in the course of a suit for recovery of money;

(*b*) direct the defendant to furnish security to produce any property belonging to him and to place the same at the disposal of the Court or order the attachment of any property ;

(*c*) grant a temporary injunction and in case of disobedience commit the person guilty thereof to the civil prison and order that his property be attached and sold ;

(*d*) appoint a receiver of any property and enforce the performance of his duties by attaching and selling his property ;

(*e*) make such other interlocutory orders as may appear to the Court to be just and convenient.

Compensation for obtaining arrest, attachment or injunction on insufficient grounds.

95. (1) Where, in any suit in which an arrest or attachment has been effected or a temporary injunction granted under the last preceding section,—

(*a*) it appears to the Court that such arrest, attachment or injunction was applied for on insufficient grounds, or

(*b*) the suit of the plaintiff fails and it appears to the Court that there was no reasonable or probable ground for instituting the same,

the defendant may apply to the Court, and the Court may, upon such application, award against the plaintiff by its order such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him :

Provided that a Court shall not award, under this section, an amount exceeding the limits of its pecuniary jurisdiction.

(2) An order determining any such application shall bar any suit for compensation in respect of such arrest, attachment or injunction.

PART VII.

APPEALS.

APPEALS FROM ORIGINAL DECREES.

Appeal from original decree.

96. (1) Save where otherwise expressly provided in the body of this Code or by any other law for the time being in force, an appeal shall lie from every decree passed by any Court exercising original jurisdiction to the Court authorized to hear appeals from the decisions of such Court.

(2) An appeal may lie from an original decree passed *ex parte*.

(3) No appeal shall lie from a decree passed by the Court with the consent of parties.

Appeal from final decree where no appeal from preliminary decree.

97. Where any party aggrieved by a preliminary decree passed after the commencement of this Code does not appeal from such decree, he shall be precluded from disputing its correctness in any appeal which may be preferred from the final decree.

Decision where appeal heard by two or more Judges.

98. (1) Where an appeal is heard by a Bench of two or more Judges, the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

(2) Where there is no such majority which concurs in a judgment varying or reversing the decree appealed from, such decree shall be confirmed.

No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

99. No decree shall be reversed or substantially varied, nor shall any case be remanded, in appeal on account of any misjoinder of parties or causes of action or any error, defect or irregularity in any proceedings in the suit, not affecting the merits of the case or the jurisdiction of the Court.

APPEALS FROM APPELLATE DECREES.

Second appeal.

100. (1) Save where otherwise expressly provided in the body of this Code or by any other law for the time being in force, an appeal shall lie to the Chief Court from every decree passed in appeal by any Court subordinate to the Chief Court, on any of the following grounds, namely :—

(*a*) the decision being contrary to law or to some usage having the force of law;

(*b*) the decision having failed to determine some material issue of law or usage having the force of law;

(*c*) a substantial error or defect in the procedure provided by this Code or by any other law for the time being in force, which may possibly have produced error or defect in the decision of the case upon the merits;

(*d*) an erroneous finding upon a material question of fact producing an error in the decision on the merits in those cases in which upon any question of fact the finding of the Appellate Court differs from that of the Court of first instance.

(2) An appeal may lie under this section from an appellate decree passed *ex parte*.

Second appeal on no other grounds.

101. No second appeal shall lie except on the grounds mentioned in section 100.

Power of the Chief Court to determine issues of fact.

103. In any second appeal, the Chief Court may, if the evidence on the record is sufficient, determine any issue of fact necessary for the disposal of the appeal but not determined by the lower Appellate Court.

APPEALS FROM ORDERS.

Orders from which appeal lies.

104. (1) An appeal shall lie from the following orders, and save as otherwise expressly provided in the body of this Code or by any law for the time being in force from no other orders :—

(*a*) an order superseding an arbitration where the award has not been completed within the period allowed by the Court;

(*b*) an order on an award stated in the form of a special case;

(*c*) an order modifying or correcting an award;

(*d*) an order filing or refusing to file an agreement to refer to arbitration;

(*e*) an order staying or refusing to stay a suit where there is an agreement to refer to arbitration;

(*f*) an order filing or refusing to file an award in an arbitration without the intervention of the Court;

(*g*) an order under section 95;

(*h*) an order under any of the provisions of this Code imposing a fine or directing the arrest or detention in the Civil prison of any person except where such arrest or detention is in execution of a decree;

(*i*) any order made under rules from which an appeal is expressly allowed by rules.

(2) No appeal shall lie from any order passed in appeal under this section.

Other orders.

105. (1) Save as otherwise expressly provided, no appeal shall lie from any order made by a Court in the exercise of its original or appellate jurisdiction; but, where a decree is appealed from, any error, defect or irregularity in any order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal.

(2) Notwithstanding anything contained in sub-section (1), where any party aggrieved by an order of remand made after the commencement of this Code from which an appeal lies does not appeal therefrom, he shall thereafter be precluded from disputing its correctness.

What Courts to hear appeals.

106. Where an appeal from any order is allowed, it shall lie to the Court to which an appeal would lie from the decree in the suit in which such order was made or where such order is made by a Court (not being the Chief Court) in the exercise of Appellate jurisdiction, then to the Chief Court.

GENERAL PROVISIONS RELATING TO APPEALS.

Powers of Appellate Court.

107. (1) Subject to such conditions and limitations as may be prescribed, an Appellate Court shall have power—

(*a*) to determine a case finally;

(*b*) to remand a case;

(*c*) to frame issues and refer them for trial;

(*d*) to take additional evidence or to require such evidence to be taken.

(2) Subject as aforesaid, the Appellate Court shall have the same powers and shall perform as nearly as may be the same duties as are conferred and imposed by this Code on Courts of original jurisdiction in respect of suits instituted therein.

Procedure in appeals from appellate decrees and orders.

108. The provisions of this part relating to appeals from original decrees shall, so far as may be, apply to appeals—

(*a*) from appellate decrees, and

(*b*) from orders made under this Code or under any special or local law in which a different procedure is not provided.

PART VIII.

REFERENCE, REVIEW AND REVISION.

Reference to Chief Court.

113. Subject to such conditions and limitations as may be prescribed, any Court may state a case and refer the same for the opinion of the Chief Court, and the Chief Court may make such order thereon as it thinks fit.

Review.

114. Subject as aforesaid, any person considering himself aggrieved—

(*a*) by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred,

(*b*) by a decree or order from which no appeal is allowed by this Code, or

(*c*) by a decision on a reference from a Court of Small Causes,

may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit.

Revision.

115. The Chief Court may call for the record of any case which has been decided by any Court subordinate to the Chief Court and in which no appeal lies thereto, and if such subordinate Court appears—

(*a*) to have exercised a jurisdiction not vested in it by law, or

(*b*) to have failed to exercise a jurisdiction so vested, or

(*c*) to have acted in the exercise of its jurisdiction illegally or with material irregularity,

the Chief Court may make such order in the case as it thinks fit.

PART X.

RULES.

Effect of rules in First Schedule.

121. The rules in the First Schedule shall have effect as if enacted in the body of this Code until annulled or altered in accordance with the provisions of this part.

Power of the Chief Court to make rules.

122. The Chief Court may, from time to time after previous publication, make rules regulating its own procedure and the procedure of the Civil Courts subject to its superintendence, and may by such rules annul, alter or add to all or any of the rules in the First Schedule.

Constitution of the Rule Committee.

123. (1) A Committee, to be called the Rule Committee, shall be constituted at Bangalore.

(2) The Committee shall consist of the following persons, namely:—

(*a*) a judge of the Chief Court, who shall be the President of the Committee;

(*b*) two judges of Civil Courts subordinate to the Chief Court; and

(*c*) two advocates enrolled in the Chief Court.

(3) The members of the Committee shall be appointed by the Chief Judge.

(4) Each member of the Committee shall hold office for such period as may be prescribed by the Chief Judge in this behalf; and whenever any member retires, resigns, dies or ceases to reside in Mysore or becomes incapable of acting as a member of the Committee, the Chief Judge may appoint another person to be a member in his stead.

(5) There shall be a Secretary to the Committee, who shall be appointed by the Chief Judge.

Committee to report to Chief Court.

124. The Rule Committee shall make a report to the Chief Court on any proposal to annul, alter or add to the rules in the First Schedule or to make new rules, and before making any rules under section 122 the Chief Court shall take such report into consideration.

Rules subject to sanction.

126. Rules made under the foregoing provisions shall be subject to the previous sanction of the Government.

Publication of rules.

127. Rules so made and sanctioned shall be published in the official Gazette and shall, from the date of publication or from such other date as may be specified, have the same force and effect, as if they had been contained in the First Schedule.

Matters for which rules may provide.

128. Such rules shall be not inconsistent with the provisions in the body of this Code, but, subject thereto, may provide for any matters relating to the procedure of Civil Courts.

(2) In particular, and without prejudice to the generality of the powers conferred by sub-section (1), such rules may provide for all or any of the following matters, namely:—

(*a*) the service of summonses, notices and other processes by post or in any other manner either generally or in any specified areas and the proof of such service;

(*b*) the maintenance and custody, while under attachment, of live-stock and other movable property, the fees payable for such maintenance and custody, the sale of such live-stock and property and the proceeds of such sale;

(*c*) procedure in suits by way of counterclaim, and the valuation of such suits for the purposes of jurisdiction;

(*d*) procedure in garnishee and charging orders either in addition to, or in substitution for, the attachment and sale of debts;

(*e*) procedure where the defendant claims to be entitled to contribution or indemnity over against any person whether a party to the suit or not;

(*f*) summary procedure—

(i) in suits in which the plaintiff seeks only to recover a debt or liquidated demand in money payable by the defendant, with or without interest, arising—

on a contract express or implied; or

on an enactment where the sum sought to be recovered is a fixed sum of money or in the nature of a debt other than a penalty; or

on a guarantee, where the claim against the principal is in respect of a debt or a liquidated demand only; or

on a trust; or

(ii) in suits for the recovery of immovable property, with or without a claim for rent or mesne profits, by a landlord against a tenant whose term has expired or has been duly determined by notice to quit, or has become liable to forfeiture for non-payment of rent, or against persons claiming under such tenant;

(*g*) procedure by way of originating summons;

(*h*) consolidation of suits, appeals and other proceedings;

(*i*) delegation to any Registrar, or other official of the Court of any judicial, quasi-judicial and non-judicial duties; and

(*j*) all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Civil Courts.

Power to make rules as to matters other than procedure.

130. The Chief Court shall have power to call for returns and may, with the previous sanction of Government, prescribe forms and make and issue any rules regulating its own practice and the practice of the Civil Courts subject to its superintendence with respect to any matter other than procedure.

Publication of rules.

131. Rules made in accordance with section 130 shall be published in the official Gazette and shall, from the date of publication or from such other date as may be specified, have the force of law.

PART XI.

MISCELLANEOUS.

Exemption of certain women from personal appearance.

132. (1) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, shall be exempt from personal appearance in Court.

(2) Nothing herein contained shall be deemed to exempt such women from arrest in execution of civil process in any case in which the arrest of women is not prohibited by this Code.

Exemption of other persons.

133. (1) The Government may, by notification in the official Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of the Government, entitles him to the privilege of exemption.

(2) The names and residences of the persons so exempted shall, from time to time, be forwarded to the Chief Court by the Government and a list of such persons shall be kept in such Court, and a list of such persons as reside within the local limits of the jurisdiction of each Court subordinate to the Chief Court shall be kept in such subordinate Court.

(3) Where any person so exempted claims the privilege of such exemption, and it is consequently necessary to examine him by commission, he shall pay the costs of that commission, unless the party requiring his evidence pays such costs.

Arrest other than in execution of decree.

134. The provisions of sections 55, 57 and 59 shall apply, so far as may be, to all persons arrested under this Code.

Exemption from arrest under civil process.

135. (1) No Judge, Magistrate or other judicial officer shall be liable to arrest under civil process while going to, presiding in or returning from, his Court.

(2) Where any matter is pending before a tribunal having jurisdiction therein, or believing in good faith that it has such jurisdiction, the parties thereto, their pleaders,

mukhtars, revenue agents and recognised agents and their witnesses acting in obedience to a summons, shall be exempt from arrest under civil process other than process issued by such tribunal for contempt of Court while going to or attending such tribunal for the purpose of such matter, and while returning from such tribunal.

(3) Nothing in sub-section (2) shall enable a judgment-debtor to claim exemption from arrest under an order for immediate execution or where such judgment-debtor attends to show cause why he should not be committed to prison in execution of a decree.

Procedure where person to be arrested or property to be attached is outside district.

136. (1) Where an application is made that any person shall be arrested or that any property shall be attached under any provision of this Code not relating to the execution of decrees, and such person resides or such property is situate outside the local limits of the jurisdiction of the Court to which the application is made, the Court may, in its discretion, issue a warrant of arrest or make an order of attachment, and send to the District Court within the local limits of whose jurisdiction such person or property resides or is situate a copy of the warrant or order, together with the probable amount of the costs of the arrest or attachment.

(2) The District Court shall, on receipt of such copy and amount, cause the arrest or attachment to be made by its own officers, or by a Court subordinate to itself, and shall inform the Court which issued or made such warrant or order of the arrest or attachment.

(3) The Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him.

Language of subordinate Courts.

137. (1) The language which, on the commencement of this Code, is the language of any Court subordinate to the Chief Court shall continue to be the language of such subordinate Court until the Government otherwise directs.

(2) The Government may declare what shall be the language of any such Court.

(3) Where this Code requires or allows anything other than the recording of evidence to be done in writing in any such Court, such writing may be in English; but if any party or his pleader is unacquainted with English a translation into the language of the Court shall, at his request, be supplied to him; and the Court shall make such order as it thinks fit in respect of the payment of the costs of such translation.

Power for Government to require evidence to be recorded in English.

138. (1) The Government may, by notification in the official Gazette, direct with respect to any Judge specified in the notification, or falling under a description set forth therein, that evidence in cases in which an appeal is allowed shall be taken down by him in the English language and in manner prescribed.

(2) Where a Judge is prevented by any sufficient reason from complying with a direction under sub-section (1), he shall record the reason and cause the evidence to be taken down in writing from his dictation in open Court.

Oath on affidavit by whom to be administered.

139. In the case of any affidavit under this Code—

(*a*) any Court or Magistrate, or

(*b*) any officer or other person whom the Chief Court may appoint in this behalf, or

(*c*) any officer appointed by any other Court which the Government has generally or specially empowered in this behalf,

may administer the oath to the deponent.

Miscellaneous proceedings.

141. The procedure provided in this Code in regard to suits shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction.

Orders and notices to be in writing.

142. All orders and notices served on or given to any person under the provisions of this Code shall be in writing.

Postage.

143. Postage, where chargeable on a notice, summons or letter issued under this Code and forwarded by post, and the fee for registering the same, shall be paid within a time to be fixed before the communication is made:

Provided that the Government may remit such postage, or fee, or both, or may prescribe a scale of court-fees to be levied in lieu thereof.

Application for restitution.

144. (1) Where and in so far as a decree is varied or reversed, the Court of first instance shall, on the application of any party entitled to any benefit by way of restitution or otherwise, cause such restitution to be made as will, so far as may be, place the parties in the position which they would have occupied but for such decree or such part thereof as has been varied or reversed; and, for this purpose, the Court may make any orders, including orders for the refund of costs and for the payment of interest, damages, compensation and mesne profits, which are properly consequential on such variation or reversal.

(2) No suit shall be instituted for the purpose of obtaining any restitution or other relief which could be obtained by application under sub-section (1).

Enforcement of liability of surety.

145. Where any person has become liable as surety—

(*a*) for the performance of any decree or any part thereof, or

(*b*) for the restitution of any property taken in execution of a decree, or

(*c*) for the payment of any money, or for the fulfilment of any condition imposed on any person, under an order of the Court in any suit or in any proceeding consequent thereon,

the decree or order may be executed against him, to the extent to which he has rendered himself personally liable, in the manner herein provided for the execution of decrees, and such person shall, for the purposes of appeal, be deemed a party within the meaning of section 47:

Provided that such notice as the Court in each case thinks sufficient has been given to the surety.

Proceedings by or against representatives.

146. Save as otherwise provided by this Code or by any law for the time being in force, where any proceeding

may be taken or application made by or against any person, then the proceeding may be taken or the application may be made by or against any person claiming under him.

Consent or agreement by persons under disability.

147. In all suits to which any person under disability is a party, any consent or agreement as to any proceeding shall, if given or made with the express leave of the Court by the next friend or guardian for the suit, have the same force and effect as if such person were under no disability and had given such consent or made such agreement.

Enlargement of time.

148. Where any period is fixed or granted by the Court for the doing of any act prescribed or allowed by this Code, the Court may, in its discretion, from time to time, enlarge such period, even though the period originally fixed or granted may have expired.

Power to make up deficiency of court-fees.

149. Where the whole or any part of any fee prescribed for any document by the law for the time being in force relating to court-fees has not been paid, the Court may, in its discretion, at any stage, allow the person, by whom such fee is payable, to pay the whole or part, as the case may be, of such court-fee; and upon such payment the document, in respect of which such fee is payable, shall have the same force and effect as if such fee had been paid in the first instance.

Transfer of business.

150. Save as otherwise provided, where the business of any Court is transferred to any other Court, the Court to which the business is so transferred shall have the same powers and shall perform the same duties as those respectively conferred and imposed by or under this Code upon the Court from which the business was so transferred.

Saving of inherent powers of Court.

151. Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

Amendment of judgments, decrees or orders.

152. Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties.

Indemnity of Judges etc.

152 A. No Judge or other public officer shall be answerable for any error, misstatement or omission in any proclamation of sale issued under the provisions of this Code, unless the same has been committed or made dishonestly.

General power to amend.

153. The Court may at any time, and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any proceeding in a suit; and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on such proceeding.

Saving of present right of appeal.

154. Nothing in this Code shall affect any present right of appeal which shall have accrued to any party at its commencement.

Amendment of certain Acts.

155. The enactments mentioned in the fourth schedule are hereby amended to the extent specified in the fourth column thereof.

Repeals.

156. The enactments mentioned in the fifth schedule are hereby repealed to the extent specified in the fourth column thereof.

Continuance of orders under repealed enactments.

157. Notifications published, declarations and rules made, places appointed, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under Act VIII of 1859 or any Code of Civil Procedure or any Regulation amending the same or under any other enactment hereby repealed shall, so far as they are consistent with this Code, have the same force and effect as if they had been respectively published, made, appointed, filed, prescribed, framed and conferred under this Code and by the authority empowered thereby in such behalf.

Reference to Code of Civil Procedure and other repealed enactments.

158. In every enactment or notification passed or issued before the commencement of this Code in which reference is made to or to any chapter or section of Act VIII of 1859 or any Code of Civil Procedure or any Regulation amending the same or any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding part, order, section or rule.